



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Guillermo LIZARRAGA-Breseda (1),

Sandra REYES-Brambila (2),

Defendants.

Magistrate Case No.:

'08 MJ 84 21

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

On May 14, 2008, within the Southern District of California, defendants Guillermo LIZARRAGA-Breseda and Sandra REYES-Brambila did knowingly and intentionally import approximately 61.78 kilograms (135.916 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Renato Gates *Rf* *GB*
~~Gale Dotson~~, Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15TH,
DAY OF MAY 2008.

[Signature]
PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Guillermo LIZARRAGA-Breseda (1)

4 Sandra REYES-Brambila (2)

5 STATEMENT OF FACTS

6 This Statement of Facts is based on personal observation, investigation, and
7 information provided to U. S. Immigration and Customs Enforcement Special Agent
8 Dotson.

9 On May 14, 2008, at approximately 0615 hours, Guillermo LIZARRAGA-Breseda
10 and Sandra REYES-Brambila entered the United States at the Calexico, California,
11 West Port of Entry. LIZARRAGA was driver and registered owner of a 1995 Mazda
12 Protege, bearing Baja, Mexico license plate BEH3626. LIZARRAGA was accompanied
13 by REYES and their minor daughter.

14 In primary, LIZARRAGA gave a negative Customs declaration to Customs and
15 Border Protection Officer (CBPO) L.V. Rodriguez. CBPO Rodriguez referred all
16 occupants and the vehicle to the secondary lot for closer examination.

17 In the vehicle secondary lot, CBPO B. Pyburn utilizing a canine conducted an
18 inspection of the vehicle. The canine alerted, responding to the backseat area of the
19 vehicle.

20 A subsequent inspection of the vehicle by CBPO J. Esparza revealed 25
21 packages concealed in a non-factory compartments in the floor and behind the back
22 seat. CBPO J. Esparza probed one of the packages and a sample of green leafy
23 substance was obtained. The sample field-tested positive for marijuana. The 25
24 packages had a combined net weight of approximately 61.78 kilograms (135.916
25 pounds).

26 LIZARRAGA and REYES were each placed under arrest and each were
27 separately advised his Rights, per Miranda. During each interview, both LIZARRAGA
28 and REYES acknowledged his and her rights, waived his and her rights, and agreed to
29 answer questions.

1 During the LIZARRAGA interview, LIZARRAGA stated that he knew the vehicle
2 contained marijuana. LIZARRAGA stated was to be paid \$1,000.00 to take the vehicle
3 to "any street" in Calexico where he would leave the vehicle and walk back to Mexico.
4 LIZARRAGA told his wife that there was marijuana in the vehicle just before entering
5 the United States.

6 During the REYEZ interview, REYEZ denied knowledge of any illegal substance
7 in the vehicle. REYEZ stated LIZARRAGA never mentioned the presence of marijuana
8 in the vehicle. REYEZ did state she noticed and mentioned to LIZARRAGA the floor of
9 the vehicle was higher than usual. LIZARRAGA replied, she had not been in the car for
10 a while, therefore, REYEZ did not remember how the floor was situated.

11 However, CBPO J. Esparza reported that REYEZ' knees were unusually close to
12 REYEZ' face. Moreover, the six year-old daughter in the back seat was also seated in
13 an unusually upright position.